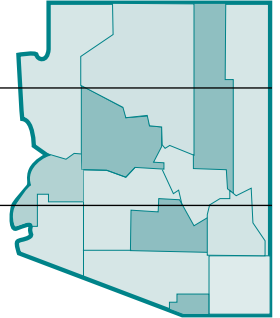




*an association of family, court and community professionals*

NOVEMBER 2001



Arizona Chapter

# The Newsletter



## Family Court

What is it? "Family Court" is a loose term used to describe a system where the family is treated as a whole and all cases related to that family are resolved under the direction of one judge. It is often characterized as a "One Judge-One Family" system. Under this plan, juvenile matters such as dependencies, adoptions, status offences (i.e. underage drinking, curfew violations, etc.) would be heard by the same judge who has heard or is hearing domestic relations' matters regarding the same family. Domestic relations' matters include divorces, post-divorce matters, custody, child support and similar issues. Family court would also hear family related probate matters such as the issuing of guardianships of minors and incapacitated adults. Family Court would also hear orders of protection and violations thereof. Under the various family court systems, family services are usually combined and streamlined. The system is far more user-friendly and although the adversary process is still available, it is usually tempered with a heavier emphasis on mediation and other alternative dispute resolutions.

Family court is not new. It has been around for about 100 years, with increased interest and use within the past thirty or so years. About half of the states have some form of family court. Family court has tweaked the interest of many Arizona family law judges, attorneys and family practice mental health professionals for more than a decade. Currently, Maricopa and Yavapai Counties are experimenting with pilot programs on family court. Many of our smaller counties already are already partial family courts. In Coconino County, for example, one judge hears all the domestic relations' matters, pre and post dissolution, for the same family. One-judge counties, by circumstance, are family courts without the title.

It is important to note that family court does not change the current domestic relations, probate or juvenile laws. For example, parents, custody evaluators, attorneys and judges would use the same statutory criteria and case law to determine parenting plans that they currently use. The same would be true for the juvenile court's model court program. Family court basically modifies the administration, assignment and processing of these family disputes and problems.

Does everyone in Arizona support family court? No. There has been some resistance to the formation of a family court in Arizona. It is difficult for me to understand the reasoning behind such resistance, but then I admit I am blatantly biased in favor of a family court system. The critics raise some legitimate issues I feel must be resolved before making such a change. Issues of confidentiality, of possible bias by judges who may have received evidence in matters unrelated to what is currently before the bench, of judge burn-out, and of allocation of resources, among others can be worked out. These issues are not unique to Arizona. It is my opinion that if other states can work out such problems in order to facilitate a system that is better for families, then Arizona can do so as well.



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## Executive Committee

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Is family court a realistic possibility for Arizona? I believe Arizona will have a family court system within the next three to five years. Our current system is archaic and unsatisfactory. Legal fees are too high while public confidence in justice for families is too low. Parents are made litigants. Children are pawns in the process. Resources are duplicated. There is a lack of consistency in orders between the various court divisions. No lay person can figure out the legal system. It is time for a change.

Constituents have been pushing their legislators for a reform of the current system. Piece-meal legislation has been passed over the past ten years or so, trying to deal with many of the issues which fall nicely into the family court system. Still the troops are restless. The legislators pulled back on creating a legislatively mandated family court system a few years ago when Arizona's Supreme Court Chief Justice, Thomas Zlaket, appointed a blue-ribbon committee to study the issue. The legislature hoped the courts themselves would institute the family court system. However, the appointed committee members disagreed among themselves, creating a majority report in favor of a family court system, and a very vocal minority report against the system, and the family court issue languished for lack of direction and leadership. Perhaps in frustration (my opinion) both Maricopa and Yavapai Counties forged ahead with their pilot programs.

Now the legislators have picked up the fallen banner with a renewed resolve to create a legislatively mandated family court system. It looks as if such a mandate will reach the legislature if not this coming year, then surely by next year.

Want to give your input? It is important that members of the public, members of the AFCC and other professionals connected with families do speak up. Those who support the issue need to be heard just as much as those who oppose the proposition. You can address your legislator directly. You can also email me at [seaborne@flagstaff.az.us](mailto:seaborne@flagstaff.az.us) and I will forward both the positive and negative comments to those persons who are laboring over proposed legislation. If the pros and cons can be aired and addressed, the result can only improve the court system for Arizona's families, regardless of whether or not it results in the creation of a family court system.

Article submitted by:  
Ellen Seaborne, Family Law Attorney,  
Ellen Seaborne & Associates, P.C.



How often have you had a question or issue on a case, needed a reference, or thought of a novel approach in a challenging family law case and you've wished you had someone to discuss it with? Well now talk with US! All of us at AzAFCC.

The folks at: [www.childsvoice.org](http://www.childsvoice.org) has set up a bulletin board where professionals, interested in family law can post questions, concerns, case law, new ideas, etc., anonymously. Anonymous, is the key word because sometimes you want an answer without identifying for the whole world, "hey! I got a board complaint, what should I do? or I need help on a case, any ideas? ..."

Just point your browser to:

[www.childsvoice.org](http://www.childsvoice.org), click on family law login *thinkbig*, password *forachild* and we're off!

Any questions email Lynne Kenny Markan at: [lkmarkan@aol.com](mailto:lkmarkan@aol.com)



# Domestic Relations Reform Study Subcommittee

In June 1993, a Technical Advisory Committee was established by the Joint Select Committee on Child Support Enforcement to identify various problems with the Arizona legal system and recommend solutions. Due to the lack of integration of the statutes relating to domestic relations (family law) issues, the Technical Advisory Committee recommended that a domestic relations reform study subcommittee be established to consolidate, revise and modernize the domestic relations statutes.

During the forty-first session, the Arizona Legislature created each of the two subcommittees proposed by the Technical Advisory Committee. By Laws 1994, Chapter 374, Section 24 (effective July 17, 1994) both the Child Support Coordinating Council Subcommittee and the Domestic Relations Reform Study Subcommittee were established within a single legislative committee titled the Child Support Enforcement and Domestic Relations Reform Committee. In July, 1994, the Arizona Supreme Court designated the Family Law Unit of the Administrative Office of the Court to provide staff support to the Subcommittees.

The Domestic Relations Reform Study Subcommittee (DRRSS) is co-chaired by a member of the Senate and a member of the House of Representatives. The enabling legislation identified the composition of the DRRSS Subcommittee and prescribed the tasks to be undertaken. DRRSS' charge is to "recommend changes to the domestic relations statutes, rules and procedures and other related issues each year in a phased in approach designed to lead to a reform of the state's domestic relations statutes, to clarify the rights of grandparents in domestic relations issues and to report to the child support enforcement and domestic relations reform committee quarterly.

The legislations which originally established the committee and two subcom-

mittees was scheduled for repeal from and after December 31, 1997. Provisions of law enacted in 1997 extended this date until December 31, 2000. In 2000, new legislation (Laws 2000, Chapter 312) repealed Laws 1994, Chapter 374, Section 24 and added A.R.S. § 25-320.01 to statute. This new statute, rather than session law, extends the life of the committee and the two subcommittees until July 1, 2007.

From the outset of its deliberations, six legislators have served on the DRRSS Subcommittees - three members of the state Senate and three members of the House of Representatives. Of these, four are of the majority party and two are of the minority party. DRRSS has 25 membership slots comprised of parents, legislators, judges, attorneys, mental health professionals, court personnel, faith-based organizations and others.

The Domestic Relations Reform Study Subcommittee was instrumental in reforming Arizona's statutes relating to grandparents rights in custody and visitations situations. It was also responsible for changing the term "visitation" to a more palatable term for parents - that of "parenting time" - in Arizona's family statutes. It is also responsible for proposed new Rule 53, Arizona's Rules of Civil Procedure, making Family Law Masters available on a statewide basis.

The Subcommittee meets monthly on a year-round basis to consider changes to Arizona's family statutes, rules and procedures. Three workgroups were formed several years ago to study topics appropriate to each workgroup; Substantive Law, Education/Prevention and Court Procedures. All three workgroups are actively considering legislative proposals/suggestions for the 45th Legislative, second session. Attendance and commitment of the Subcommittee members are impressive. Public attendance at the monthly meetings is high.

Representative Karen Johnson (R) and Senator Mary Hartley (D) currently co-chair the Subcommittee. Goals for the future are to further encourage Arizona to submit family-related bills to the Subcommittee for review and input prior to introduction, additional exchange and coordination of ideas and information with the Child Support Coordinating Council and to improve available resources and remedies available to the public in dealing with family related issues, whether dissolutions of marriage, child support, custody issues, spousal support, court processes and procedures, fairness and uniformity in the system and top-quality officer training, to name just a few topics.

*Article submitted by:  
Representative Karen Johnson  
Co-Chair of the Domestic Relations Reform Study Subcommittee*

# Announcements . . .



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## Arizona AFCC Annual Conference

**February 8-10, 2002**

**Hilton Sedona Resort and Spa**

### **Speakers:**

**Donald T. Saposnek, Ph.D.**

*Psychologist, author and family mediator*

**Denise McColley**

*AFCC President*

**Professor Zelda Harris**

*Director, Domestic Violence*

*Clinic, University of Arizona College of Law*



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